

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: April 19, 2006 - KW

Division: County Attorney

Bulk Item: Yes X No

Department: County Attorney

Staff Contact Person: Bob Shillinger

AGENDA ITEM WORDING:

Approval of payment to *Paul, Hastings, Janofsky & Walker, LLP* for professional legal services rendered by Robert H. Freilich in the cause of *Galleon Bay Corp. v. BOCC v. State of Florida*, CAK-02-595, in the amount of \$126,679.83 (Invoice #1492298 for \$70,005.05 and Invoice #1501315 for \$56,674.78).

ITEM BACKGROUND:

Dr. Freilich is a nationally known expert in regulatory takings cases and has been defending the County in this case since May of 2005.

PREVIOUS RELEVANT BOCC ACTION:

None.

CONTRACT/AGREEMENT CHANGES:

N/A

STAFF RECOMMENDATIONS:

Approval.

TOTAL COST: \$126,679.83

BUDGETED: Yes No

COST TO COUNTY: \$126,679.83

SOURCE OF FUNDS:

REVENUE PRODUCING: Yes No **AMOUNT PER MONTH** **Year**

APPROVED BY: County Atty X OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:


SUZANNE A. HUTTON, COUNTY ATTORNEY

DOCUMENTATION: Included X Not Required

DISPOSITION:

AGENDA ITEM #



PAUL, HASTINGS, JANOFSKY & WALKER LLP
515 South Flower Street, 25th Floor, Los Angeles, CA 90071-2228
telephone 213-683-6000 / facsimile 213-627-0705 / internet www.paulhastings.com

Atlanta/ Beijing/ Brussels/ Hong Kong/ London/ Los Angeles/ Milan/ New York/ Orange County/
Palo Alto/ Paris/ San Diego/ San Francisco/ Shanghai/ Stamford/ Tokyo/ Washington, D.C.

Monroe County
P.O. Box 1026
Key West, FL 33041-1026

Attn: Mr. Richard Collins
County Attorney

December 31, 2005

Please refer to
Invoice Number: 1492298
PHJ&W Tax ID No. 95-2209675

SUMMARY SHEET

Galleon Bay Corp.

PHJ&W LLP File# 58551-00003
Robert H. Freilich

Legal fees for professional services for the period ending November 30, 2005	\$69,905.00
Costs incurred and advanced	100.05

Current Fees and Costs Due	\$70,005.05
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Prior Balance Due	\$23,488.10
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Total Balance Due	\$93,493.15
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Wiring Instructions:

Bank of America
ABA # 121000358
Swift Code: BOFAUS6S
101 South Marengo Avenue, 3rd Floor
Pasadena, CA 91101
Account Number: 14599-04796
Account Name: Paul, Hastings, Janofsky & Walker LLP
Comment: Please refer to the invoice number listed above.

Remittance Address:

Paul, Hastings, Janofsky & Walker LLP
515 South Flower Street
25th Floor
Los Angeles, CA 90071-2228

Refer all questions to Carol Brich at (213) 683-5039, or carolbrich@paulhastings.com.

PaulHastings

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December 31, 2005

Please refer to
Invoice Number: 1492298
PHJ&W Tax ID No. 95-2209675

REMITTANCE COPY

Galleon Bay Corp.

PHJ&W LLP File# 58551-00003

Robert H. Freilich

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for the period ending November 30, 2005
Costs incurred and advanced

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Total Balance Due

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Monroe County
58551-00003
Invoice No. 1492298

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REMITTANCE COPY (cont.)

Summary of Prior Balance Due

<u>Invoice Date</u>	<u>Invoice Number</u>	<u>Amount</u>	<u>Payments/ Trust Appl.</u>	<u>Credits</u>	<u>Balance Due</u>
10/14/05	1474639	\$23,488.10	\$0.00	\$0.00	\$23,488.10
Total Prior Due					\$23,488.10
Balance Due					<u>\$93,493.15</u>

PaulHastings

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Atlanta/ Beijing/ Brussels/ Hong Kong/ London/ Los Angeles/ Milan/ New York/ Orange County/
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RECEIVED

JAN 13 2006

MONROE COUNTY ATTORNEY

Monroe County
P.O. Box 1026
Key West, FL 33041-1026

Attn: Mr. Richard Collins
County Attorney

December 31, 2005

Please refer to
Invoice Number: 1492298
PHJ&W Tax ID No. 95-2209675

FOR PROFESSIONAL SERVICES RENDERED
for the period ending November 30, 2005

Galleon Bay Corp.

OK
135
\$69,905.00 3/29/8

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
09/15/05	Alan K. Steinbrecher	Conference with E. Paster regarding background of cases; review plaintiff's arbitration submission	2.00	350.00	\$700.00
09/19/05	Alan K. Steinbrecher	Prepare for and attend meeting with R. Freilich, D. Walsh and E. Paster; conference with D. Walsh and E. Paster regarding background	2.50	350.00	\$875.00
09/20/05	Alan K. Steinbrecher	Review arbitration order and ward; conference with E. Paster; telephone conference with D. Griffith	1.50	350.00	\$525.00
09/21/05	Alan K. Steinbrecher	Review arbitration brief and pleading file; conference with E. Paster	2.00	350.00	\$700.00
09/22/05	Alan K. Steinbrecher	Case analysis; conference with R. Freilich	2.00	350.00	\$700.00
09/22/05	Douglas C. Griffith	Analyze and evaluate issues in preparation for re-opened summary judgment motion	2.50	350.00	\$875.00

Monroe County
58551-00003
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<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
09/23/05	Douglas C. Griffith	Analyze and evaluate issues in preparation for re-opened summary judgment motion	1.00	350.00	\$350.00
09/25/05	Douglas C. Griffith	Analyze and evaluate issues in preparation for re-opened summary judgment motion	0.75	350.00	\$262.50
09/26/05	Alan K. Steinbrecher	Review files	1.25	350.00	\$437.50
09/27/05	Alan K. Steinbrecher	Research and analysis	3.00	350.00	\$1,050.00
09/27/05	Douglas C. Griffith	Analyze and evaluate issues in preparation for re-opened summary judgment motion	4.00	350.00	\$1,400.00
09/28/05	Alan K. Steinbrecher	Review briefs and motions	4.00	350.00	\$1,400.00
09/29/05	Alan K. Steinbrecher	Review file	1.00	350.00	\$350.00
09/30/05	Alan K. Steinbrecher	Conference with E. Paster regarding plaintiff's motion for summary judgment and service thereof; review County of Monroe's motion for summary judgment; telephone conference with D. Howard and E. Paster regarding plaintiff's new "taking" date and response thereto	4.00	350.00	\$1,400.00
09/30/05	Douglas C. Griffith	Analyze and evaluate issues in preparation for re-opened summary judgment motion; telephone conference with D. Howard regarding summary judgment motion and response to plaintiff's motion to amend order and motion to file late brief; emails to/from E. Paster; review plaintiff's motion to amend order	3.25	350.00	\$1,137.50

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
10/01/05	Douglas C. Griffith	Prepare response to plaintiff's motion to amend order and motion to file late brief; emails to/from E. Paster and A. Steinbrecher regarding same	3.50	350.00	\$1,225.00
10/01/05	Elisa Paster	Research and draft objection to motion to amend	2.00	350.00	\$700.00
10/02/05	Alan K. Steinbrecher	Review and revise opposition	1.00	350.00	\$350.00
10/02/05	Douglas C. Griffith	Revise response to plaintiff's motion to amend order and motion to file late brief	1.00	350.00	\$350.00
10/02/05	Elisa Paster	Analyze and draft objection to motion to amend	3.00	350.00	\$1,050.00
10/03/05	Alan K. Steinbrecher	Telephone call with D. Howard and E. Paster regarding county's cross-motion for summary judgment; telephone conference with R. Freilich regarding same; review and revise cross-motion for summary judgment; conference with D. Griffith regarding same	5.00	350.00	\$1,750.00
10/03/05	Douglas C. Griffith	Prepare cross-motion for summary judgment; related strategizing	9.50	350.00	\$3,325.00
10/03/05	Elisa Paster	Review and revise cross motion for summary judgment	11.00	350.00	\$3,850.00
10/03/05	Juliana C. Polo	Review, revise and cite check cross motion for summary judgment	6.50	170.00	\$1,105.00
10/03/05	Robert H. Freilich	Analyze Florida case citations and quotes to add to brief	3.50	350.00	\$1,225.00

Monroe County
58551-00003
Invoice No. 1492298

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<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
10/04/05	Alan K. Steinbrecher	Review and revise cross-motion for summary judgment; conference with R. Freilich regarding same; telephone conference with D. Howard; conference with D. Griffith regarding cross-motion for summary judgment and opposition to Galleon Bay's motion to amend order	4.00	350.00	\$1,400.00
10/04/05	Douglas C. Griffith	Revise cross-motion for summary judgment	1.50	350.00	\$525.00
10/04/05	Juliana C. Polo	Review, revise and cite check cross motion for summary judgment	2.00	170.00	\$340.00
10/04/05	Robert H. Freilich	Review and revise notice of motion and brief on cross-motion for summary judgment	5.00	350.00	\$1,750.00
10/05/05	Douglas C. Griffith	Telephone conference with E. Paster; emails to/from D. Howard; meeting with A. Steinbrecher regarding cross-motion for summary judgment, going-forward strategy	0.50	350.00	\$175.00
10/05/05	Robert H. Freilich	Review motion to amend; analyze responses to motion	2.20	350.00	\$770.00
10/06/05	Robert H. Freilich	Analyze responses to motion on remand to BOCC section 380 requirements; telephone conference with J. Glogau	4.20	350.00	\$1,470.00
10/10/05	Robert H. Freilich	Review and revise opposition brief to motion to amend	1.40	350.00	\$490.00
10/11/05	Robert H. Freilich	Review and revise opposition to motion to amend; review and revise opposition brief	2.80	350.00	\$980.00

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
10/12/05	Robert H. Freilich	Review and revise opposition to second motion to amend; telephone conference with Wilbur-Smith, transportation consultant	3.50	350.00	\$1,225.00
10/13/05	Robert H. Freilich	Review and revise opposition to motion to amend	1.80	350.00	\$630.00
10/15/05	Robert H. Freilich	Prepare section regarding remand	2.60	350.00	\$910.00
10/17/05	Alan K. Steinbrecher	Telephone conference with D. Howard regarding revisions to opposition; conference with E. Paster regarding same; review and revise opposition; merge various edits	6.00	350.00	\$2,100.00
10/17/05	Elisa Paster	Amend opposition to motion to amend	1.00	350.00	\$350.00
10/17/05	Robert H. Freilich	Review and revise final draft of motion to amend; analyze nuisance and public harm section	4.20	350.00	\$1,470.00
10/18/05	Alan K. Steinbrecher	Review proposed T. Marr affidavit; telephone conference call with R. Shillinger, R. Freilich, J. Glogau and D. Howard; telephone call with R. Freilich and D. Howard regarding opposition; review and revise same	3.00	350.00	\$1,050.00
10/18/05	Robert H. Freilich	Review and revise opposition brief; telephone conference with J. Glogau, D. Howard; telephone conference with A. Steinbrecher, D. Howard	6.00	350.00	\$2,100.00

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
10/19/05	Alan K. Steinbrecher	Conference with E. Paster regarding change in hearing date; review and revise opposition; telephone conference with D. Howard; telephone conference with R. Freilich regarding continuance and ripeness issue; confer with D. Griffith regarding research	6.00	350.00	\$2,100.00
10/19/05	Douglas C. Griffith	Research analysis regarding ripeness and statute of limitations strategy; meetings with A. Steinbrecher regarding same and regarding revised hearing preparations in view of continuance	1.50	350.00	\$525.00
10/19/05	Robert H. Freilich	Review and revise opposition memorandum; telephone conference with R. Shillinger, J. Glogau, A. Steinbrecher	3.30	350.00	\$1,155.00
10/20/05	Douglas C. Griffith	Research, analysis regarding ripeness and statute of limitations strategy; telephone conference with R. Freilich regarding same; prepare opposition to motion to amend	1.00	350.00	\$350.00
10/20/05	Robert H. Freilich	Analyze attorneys fees, chapter 380 contingency risk multipliers; analyze growth management legislation; review and revise opposition; telephone conference with D. Griffith	4.20	350.00	\$1,470.00
10/23/05	Douglas C. Griffith	Review and revise opposition to motion to amend	1.75	350.00	\$612.50

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
10/23/05	Douglas C. Griffith	Research, analysis regarding ripeness, statute of limitations and date of take	1.50	350.00	\$525.00
10/24/05	Alan K. Steinbrecher	Conference with R. Freilich and E. Paster regarding revisions to opposition; conference with D. Griffith regarding research	0.50	350.00	\$175.00
10/24/05	Douglas C. Griffith	Review and revise opposition to motion to amend	1.00	350.00	\$350.00
10/24/05	Douglas C. Griffith	Research, analysis regarding ripeness, statute of limitations and date of take	1.00	350.00	\$350.00
10/24/05	Robert H. Freilich	Legal research regarding federal cases on facial construction claim, statute of limitations	1.80	350.00	\$630.00
10/25/05	Alan K. Steinbrecher	Review and revise opposition	1.00	350.00	\$350.00
10/25/05	Douglas C. Griffith	Review and revise opposition to motion to amend; telephone conference with R. freilich regarding same	4.75	350.00	\$1,662.50
10/25/05	Douglas C. Griffith	Research, analysis regarding ripeness, statute of limitations and date of take	2.00	350.00	\$700.00
10/26/05	Alan K. Steinbrecher	Conference with D. Griffith regarding research	1.50	350.00	\$525.00
10/26/05	Alan K. Steinbrecher	Review recent cases and legal authorities	0.50	350.00	\$175.00
10/26/05	Douglas C. Griffith	Review and revise opposition to motion to amend; telephone call with A. Steinbrecher regarding same	1.50	350.00	\$525.00

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
10/26/05	Douglas C. Griffith	Research, analysis regarding ripeness, statute of limitations and date of take	0.75	350.00	\$262.50
10/26/05	Elisa Paster	Research new cases using Lingle as a basis for decision on takings and due process	0.70	350.00	\$245.00
10/26/05	Robert H. Freilich	Review date of take issue	1.60	350.00	\$560.00
10/27/05	Douglas C. Griffith	Review and revise opposition to motion to amend; related meeting with R. Freilich	2.00	350.00	\$700.00
10/27/05	Douglas C. Griffith	Research, analysis regarding ripeness, statute of limitations and date of take	1.00	350.00	\$350.00
10/27/05	Robert H. Freilich	Analyze date of take versus ripeness and accrual of action for statute of limitations	2.60	350.00	\$910.00
10/28/05	Douglas C. Griffith	Review and revise opposition to motion to amend	1.75	350.00	\$612.50
10/28/05	Douglas C. Griffith	Research, analysis regarding ripeness, statute of limitations and date of take	3.00	350.00	\$1,050.00
10/31/05	Alan K. Steinbrecher	Attend meeting with R. Freilich, E. Paster and D. Griffith regarding new arguments	1.00	350.00	\$350.00
10/31/05	Douglas C. Griffith	Review and revise opposition to motion to amend; strategy meeting with R. Freilich and E. Paster	0.75	350.00	\$262.50
10/31/05	Douglas C. Griffith	Research, analysis regarding ripeness, statute of limitations and date of take	0.50	350.00	\$175.00

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
10/31/05	Elisa Paster	Conference with A. Steinbrecher, D. Griffith and R. Freilich, strategize on motion to amend; prepare motion to amend	1.80	350.00	\$630.00
10/31/05	Robert H. Freilich	Conference with A. Steinbrecher, D. Griffith regarding amendment of pleadings and Galleon Bay memorandum	1.30	350.00	\$455.00
11/01/05	Douglas C. Griffith	Preparation of opposition to motion to amend; analysis regarding relationship between statute of limitations and ripeness for facial and as applied claims for incorporation into papers	3.00	350.00	\$1,050.00
11/01/05	Elisa Paster	Telephone conference with D. Howard; research amendment procedure	1.00	350.00	\$350.00
11/01/05	Robert H. Freilich	Prepare opposition to motion to amend	2.60	350.00	\$910.00
11/02/05	Alan K. Steinbrecher	Review revised opposition; confer with R. Freilich and E. Paster regarding preparation for oral arguments	0.80	350.00	\$280.00
11/02/05	Douglas C. Griffith	Preparation of opposition to motion to amend; related telephone call with R. Freilich	3.30	350.00	\$1,155.00
11/02/05	Elisa Paster	Review opposition to motion to amend order	0.40	350.00	\$140.00
11/02/05	Robert H. Freilich	Review and revise motion to amend; telephone conference with R. Shillinger, J. Glogau	2.00	350.00	\$700.00

Monroe County
58551-00003
Invoice No. 1492298

Page 10

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
11/03/05	Alan K. Steinbrecher	Telephone call with D. Griffith regarding revisions to opposition	0.30	350.00	\$105.00
11/03/05	Douglas C. Griffith	Research, analysis regarding assertion of 90-day statute of limitations defense	1.50	350.00	\$525.00
11/03/05	Elisa Paster	Respond to emails	0.10	350.00	\$35.00
11/04/05	Elisa Paster	Draft reply emails; prepare continuance	0.20	350.00	\$70.00
11/07/05	Douglas C. Griffith	Research, analysis regarding assertion of affirmative defenses	1.80	350.00	\$630.00
11/08/05	Douglas C. Griffith	Research, analysis regarding assertion of affirmative defenses; strategy meeting with A. Steinbrecher	0.80	350.00	\$280.00
11/09/05	Douglas C. Griffith	General status and strategizing; email to A. Steinbrecher regarding same	0.30	350.00	\$105.00
Total Fees			204.10		\$69,905.00

Timekeeper Summary

Robert H. Freilich	56.60 hours at	\$350.00
Elisa Paster	21.20 hours at	\$350.00
Alan K. Steinbrecher	53.85 hours at	\$350.00
Douglas C. Griffith	63.95 hours at	\$350.00
Juliana C. Polo	8.50 hours at	\$170.00

For Costs Incurred and Advanced

Long Distance Telephone Charges	7.15
Photocopy Charges	35.40

Monroe County
58551-00003
Invoice No. 1492298

Page 11

Outside Professional Services - - Law Offices Of Alan K. Steinbrecher; Invoice # 1077; Invoice Date: 11/30/05	57.50
Total Costs	<hr/> \$100.05

Current Fees and Costs Due	\$70,005.05
Prior Balance Due	\$23,488.10
Total Balance Due	<hr/> \$93,493.15 <hr/>

PaulHastings

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Atlanta/ Beijing/ Brussels/ Hong Kong/ London/ Los Angeles/ Milan/ New York/ Orange County/
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RECEIVED

MAR 16 2006

MONROE COUNTY ATTORNEY

Monroe County
P.O. Box 1026
Key West, FL 33041-1026

Attn: Ms. Suzanne Hutton
County Attorney

February 28, 2006

Please refer to
Invoice Number: 1501315
PHJ&W Tax ID No. 95-2209675

SUMMARY SHEET

Galleon Bay Corp.

PHJ&W LLP File# 58551-00003
Robert H. Freilich

Legal fees for professional services
for the period ending January 31, 2006
Costs incurred and advanced

\$54,296.00

2,378.78

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\$56,674.78

Prior Balance Due

\$30,087.94

Total Balance Due

\$86,762.72

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Robert H. Freilich

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for the period ending January 31, 2006
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REMITTANCE COPY (cont.)

Summary of Prior Balance Due

<u>Invoice Date</u>	<u>Invoice Number</u>	<u>Amount</u>	<u>Payments/ Trust Appl.</u>	<u>Credits</u>	<u>Balance Due</u>
12/31/05	1492298	\$70,005.05	\$42,787.11	\$0.00	\$27,217.94
01/18/06	1496300	\$2,870.00	\$0.00	\$0.00	\$2,870.00
Total Prior Due					\$30,087.94
Balance Due					\$86,762.72

PaulHastings

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FOR PROFESSIONAL SERVICES RENDERED
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Galleon Bay Corp.

\$54,296.00

OK
ABJ
3/29/6

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
01/04/06	Derek V. Howard	Leave voice mail message for E. Paster regarding summary judgment hearing; prepare e-mail message to B. Freilich and E. Paster regarding same	0.20	350.00	\$70.00
01/05/06	Derek V. Howard	Review and respond to voice mail message from E. Paster regarding summary judgment hearing; review response to plaintiff's second motion to amend court's prior liability order	1.60	350.00	\$560.00
01/05/06	Elisa Paster	Review opposition to motion to amend; review BUD application	0.50	350.00	\$175.00
01/08/06	Derek V. Howard	Review correspondence from E. Paster regarding beneficial use applications; review summaries of beneficial use applications	1.30	350.00	\$455.00

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<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
01/09/06	Derek V. Howard	Prepare correspondence to P. Black regarding status of case; prepare response to second motion to amend; review affidavit of T. Marr in response to Galleon Bay's motion to amend prior liability order, prepare correspondence to B. Freilich and E. Paster regarding same; review of Galleon Bay's notice of filing affidavit and appraisals of R. Gallaher and attachments thereto	2.40	350.00	\$840.00
01/10/06	Derek V. Howard	Review e-mail from E. Paster regarding Marr affidavit, response	0.20	350.00	\$70.00
01/11/06	Derek V. Howard	Telephone conference with E. Paster regarding response to second motion to amend and summary judgment hearing; prepare response to second motion to amend	4.20	350.00	\$1,470.00
01/11/06	Elisa Paster	Review Marr affidavit	0.20	350.00	\$70.00
01/12/06	Derek V. Howard	Review correspondence from E. Paster regarding Marr affidavit; telephone conference with R. Freilich and E. Paster regarding summary judgment hearing; prepare response to Galleon Bay's second motion to amend	9.10	350.00	\$3,185.00
01/12/06	Elisa Paster	Telephone conference with D. Howard; revise Marr affidavit	0.70	350.00	\$245.00
01/12/06	Robert H. Freilich	Telephone conference with D. Howard	1.00	350.00	\$350.00

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
01/13/06	Derek V. Howard	Legal research regarding appellate review of inverse condemnation cases; prepare response to Galleon Bay's second motion to amend	6.40	350.00	\$2,240.00
01/17/06	Derek V. Howard	Review correspondence from E. Paster regarding response to Galleon Bay's second motion to amend; prepare response to second motion to amend	1.80	350.00	\$630.00
01/18/06	Derek V. Howard	Legal research; prepare response to Galleon Bay's second motion to amend	5.00	350.00	\$1,750.00
01/19/06	Robert H. Freilich	Prepare oral argument regarding summary judgment	2.50	350.00	\$875.00
01/20/06	Derek V. Howard	Prepare response to second motion to amend; prepare correspondence to E. Paster ...	8.00	350.00	\$2,800.00

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<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
01/23/06	Derek V. Howard	Legal research regarding rejection of affidavit testimony; prepare correspondence to R. Freilich, J. Glogau and E. Paster regarding summary judgment hearing and review responses; prepare correspondence to R. Freilich regarding deposition of R. Gallaher; prepare subpoena for deposition of R. Gallaher; conference with T. Munteer regarding litigation strategy, responding to Galleon Bay's second motion to amend; prepare second motion to amend; legal research regarding County of Volusia v. Pickens; review latest affidavit of R. Gallaher...	9.00	350.00	\$3,150.00
01/23/06	Robert H. Freilich	Telephone conference with J. Glogau; telephone conference with J. Mattson; prepare issues argument	3.20	350.00	\$1,120.00
01/24/06	Derek V. Howard	Legal research regarding pinpointing dates of taking; review transcript of summary judgment hearing in Collins, memorandum of law on statute of limitations filed in Collins; prepare response to second motion to amend; prepare correspondence to R. Freilich, E. Paster, and J. Glogau regarding hearing on cross-motion for summary judgment; review correspondence from R. Freilich and E. Paster regarding same	11.10	350.00	\$3,885.00

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<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
01/24/06	Elisa Paster	Conference with I. Hayat regarding reply brief; review and analyze strategy for brief	0.40	350.00	\$140.00
01/25/06	Derek V. Howard	Prepare for hearing on cross-motion for summary judgment; conference with E. Paster regarding same; prepare correspondence to R. Freilich and E. Paster regarding hearing on cross-motion for summary judgment; review correspondence from R. Freilich and E. Paster regarding same; prepare response to second motion to amend	9.00	350.00	\$3,150.00
01/25/06	Derek V. Howard	Review Galleon Bay's motion for attorney fees	0.20	350.00	\$70.00
01/25/06	Elisa Paster	Telephone conference with D. Howard regarding Galleon Bay response; reply to emails regarding opposition to motion to amend	0.50	350.00	\$175.00
01/26/06	C. Wendy Phinny	Prepare materials and cases per D. Howard for argument	2.80	210.00	\$588.00

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
01/26/06	Derek V. Howard	Conference with R. Frelich and J. Glogau regarding hearing on cross-motion for summary judgment, second motion to amend; legal research regarding adoption of proposed amendments exceeding scope of 2003 summary judgment motion, jurisdiction to re-open summary judgment; review notice of filing affidavit of C. Miller and P. Heebner and motion for protective order for deposition of R. Gallaher	10.30	350.00	\$3,605.00
01/26/06	Derek V. Howard	Review notice of filing affidavit of attorney Peter B. Heebner, affidavit	0.20	350.00	\$70.00
01/26/06	Robert H. Freilich	Telephone conference with J. Glogau, D. Howard; prepare entire written oral argument	4.00	350.00	\$1,400.00
01/27/06	C. Wendy Phinny	Assemble and prepare notebooks of cases and other related materials for D. Howard regarding argument	3.80	210.00	\$798.00
01/27/06	Derek V. Howard	Prepare notice of hearing add-on regarding Galleon Bay's motion for protective order directed to Gallaher; legal research regarding Galleon Bay's "two-takings" argument; prepare for hearing on cross-motion for summary judgment, motion to amend	9.70	350.00	\$3,395.00
01/27/06	Julia D. Cade	Prepare and organize binder of state court cases cited in brief for D. Howard in preparation of oral argument	1.80	150.00	\$270.00

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
01/27/06	Robert H. Freilich	Analyze issues for oral argument	2.20	350.00	\$770.00
01/28/06	Derek V. Howard	Travel from Washington, D.C. to Key West for summary judgment hearing	6.00	350.00	\$2,100.00
01/29/06	Derek V. Howard	Attend conference with R. Freilich and J. Glogau regarding summary judgment hearing; prepare 57.105 motion for attorneys' fees; revise response to Galleon Bay's second motion to amend	4.00	350.00	\$1,400.00
01/29/06	Robert H. Freilich	Draft, review and revise second motion to amend; attend meeting with J. Glogau and D. Howard	9.00	350.00	\$3,150.00
01/30/06	Derek V. Howard	Attend hearing on Monroe County's motion for summary judgment and Galleon Bay's second motion to amend, pre- and post-hearing conferences with R. Shillinger, R. Freilich and J. Glogau regarding same; revise response to second motion to amend	8.50	350.00	\$2,975.00
01/30/06	Robert H. Freilich	Attend meeting with D. Howard and J. Glogau; appear at court hearing regarding motions	9.50	350.00	\$3,325.00
01/31/06	Derek V. Howard	Attend conference with R. Shillinger and R. Collins regarding outcome of summary judgment hearing and litigation options; travel from Key West to Washington, DC	7.50	350.00	\$2,625.00

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
01/31/06	Elisa Paster	Telephone conference with D. Howard; telephone conference with S. Moore; telephone conference with R. Shillinger; follow-up on hearing	1.00	350.00	\$350.00
Total Fees			158.80		\$54,296.00

Timekeeper Summary

Robert H. Freilich	31.40 hours at	\$350.00
Derek V. Howard	115.70 hours at	\$350.00
Elisa Paster	3.30 hours at	\$350.00
C. Wendy Phinny	6.60 hours at	\$210.00
Julia D. Cade	1.80 hours at	\$150.00

For Costs Incurred and Advanced

Airfare	1,208.19
Meals	235.00
Lodging	555.28
Taxi/Ground Transportation	70.00
Parking	41.69
Long Distance Telephone Charges	4.07
Photocopy Charges	240.80
Facsimile	23.75
Total Costs	\$2,378.78

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Current Fees and Costs Due	\$56,674.78
Prior Balance Due	<u>\$30,087.94</u>
Total Balance Due	<u><u>\$86,762.72</u></u>